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**U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

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In Pro Per

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
Plaintiff,

v.

ONE BENTLEY FLYING SPUR SEDAN,
CALIFORNIA LICENSE NO. 5GAG721
VIN SCBBR53WX6C036543,
ITS TOOLS AND APPURTENANCES,
Defendant

Civil No. 07cv2100-DMS(AJB)

**NOTICE OF MOTION AND
MOTION TO SET ASIDE ENTRY OF
DEFAULT**

Date: March 20, 2008

Time: _____

Place: UNITED STATES DISTRICT COURT
Southern District of California
Courtroom 10
940 Front Street
San Diego, California [92101]

TO: KAREN PECKHAM HEWITT
BRUCE CAMPBELL SMITH
Attorneys for Plaintiff
Federal Office Building
880 Front Street, Room 6293
San Diego, California [92101-8893]

PLEASE TAKE NOTICE that on March 20, 2008, at _____, or as soon
thereafter as counsel may be heard by the above-entitled court, located at 940 Front Street, Courtroom 10,
San Diego, California, for an order setting aside default which was entered against defendant in this
action, pursuant to Fed. R. Civ. P. 55(c). This motion will be made on the grounds that the following
circumstances establish good cause for setting aside the entry of default.

- 1 1. Claimant for defendant's failure to respond within the appropriate number of days after service
- 2 of process was due to the fact that claimant for defendant became ill shortly after the time of
- 3 service.
- 4 2. Claimant for defendant's failure to appear was not willful and relief from the entry of default will
- 5 not prejudice plaintiff.
- 6
- 7

8 Dated: 03-20-08

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